



Docket No. 50371USA7B

#3

## OATH, POWER OF ATTORNEY, AND PETITION

Being duly sworn, We, Andrew J. Onderkirk, Michael F. Weber, James M. Jonza, and Carl A. Stover depose and say that: (1) our respective residences, citizenships, and mailing addresses are indicated below; (2) we have reviewed and understand the contents of our patent application, including the claims, as amended by any amendment specifically referred to herein, which is identified as U.S. Patent Application Serial No. 08/360,215, filed December 20, 1994; (3) we verily believe that we are the original, first, and joint inventors or discoverers of the invention or discovery in

### OPTICAL POLARIZER

described and claimed therein and for which a patent is sought; and (4) this application in part discloses and claims subject matter disclosed in our earlier filed pending applications, Serial Nos. 08/171,239, filed December 21, 1993 and 08/171,098, filed December 21, 1993; (5) we hereby acknowledge our duty to disclose to the Patent and Trademark Office all information known to us to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56\*; and (6) we hereby acknowledge our duty to disclose to the Patent and Trademark Office material information as defined in Title 37, Code of Federal Regulations, §1.56\* which occurred between the filing date of said earlier application and the filing date of this application.

No application for patent or inventor's certificate on said common or said non-common subject matter has been filed by us or our representatives or assigns in any country foreign to the United States of America, except as follows:

Country	Application No.	Filing Date
Israel	112101	December 21, 1994
PCT (designating Brazil, Canada, EPO (France, Germany, Italy, Spain, and United Kingdom), Japan, and Korea)	US94/14324	December 20, 1994
Israel	112072	December 20, 1994
Mexico	950078	January 2, 1995
Mexico	950077	January 2, 1995

We hereby appoint Gary L. Griswold (Reg. No. 25,396), Walter N. Kirn (Reg. No. 21,196), Roger R. Tamte (Reg. No. 21,093), Terryl K. Qualey (Reg. No. 25,148), Warren R. Bovee (Reg. No. 26,434), Carolyn A. Bates (Reg. No. 27,853), Gerald F. Chernivec (Reg. No. 26,537), and Kari H. Bartingale (Reg. No. 35,183) our attorneys with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the Patent and Trademark Office connected therewith; the mailing address and the telephone number of the above-mentioned attorneys are

Attention: Kari H. Bartingale  
3M Office of Intellectual Property Counsel  
P.O. Box 33427  
St. Paul, Minnesota 55133-3427  
Telephone No. (612) 733-1500

\*Title 37, Code of Federal Regulations, §1.56 is reproduced on the back of this page.

OCIPPSN.JNT/011695

**§1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

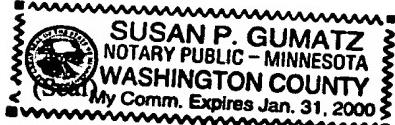
(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the aforementioned specification and we hereby subscribe our names to the foregoing specification and claims, oath, power of attorney, and this petition, this 8th day of March, 1995.

  
Andrew J. Onderkirk  
Residence: City of Woodbury, County of Washington, State of MN  
Minnesota  
Citizenship: United States of America  
Post Office P.O. Box 33427  
Address: St. Paul, Minnesota 55133-3427

STATE OF MINNESOTA }  
} ss.  
COUNTY OF RAMSEY }

Before me personally appeared Andrew J. Onderkirk, to me known to be the person described in the above application for patent, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein as being under oath, on the day and year aforesaid.



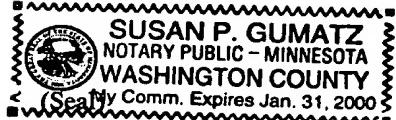
  
Susan P. Gumatz  
Notary Public

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the aforementioned specification and we hereby subscribe our names to the foregoing specification and claims, oath, power of attorney, and this 8th day of March, 1995.

  
Michael F. Weber  
Residence: City of Shoreview, County of Ramsey, State of MN  
Minnesota  
Citizenship: United States of America  
Post Office P.O. Box 33427  
Address: St. Paul, Minnesota 55133-3427

STATE OF MINNESOTA }  
} ss.  
COUNTY OF RAMSEY }

Before me personally appeared Michael F. Weber, to me known to be the person described in the above application for patent, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein as being under oath, on the day and year aforesaid.



  
Susan P. Gumatz  
Notary Public



Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the aforementioned specification and we hereby subscribe our names to the foregoing specification and claims, oath, power of attorney, and this petition, this 7<sup>th</sup> day of March, 1995.

*3-00 James M. Jonza*

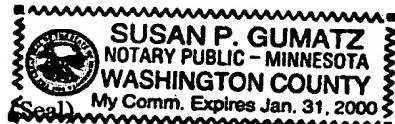
Residence: James M. Jonza  
 City of Round Rock, County of Williamson, State TX  
 of Texas

Citizenship: United States of America  
 Post Office P.O. Box 33427  
 Address: St. Paul, Minnesota 55133-3427

STATE OF MINNESOTA }  
 ss.

COUNTY OF RAMSEY }

Before me personally appeared James M. Jonza, to me known to be the person described in the above application for patent, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein as being under oath, on the day and year aforesaid.



*Susan P. Gumat* \_\_\_\_\_  
 Notary Public

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the aforementioned specification and we hereby subscribe our names to the foregoing specification and claims, oath, power of attorney, and this 8<sup>th</sup> day of March, 1995.

*4-00*

*Carl A. Stover*

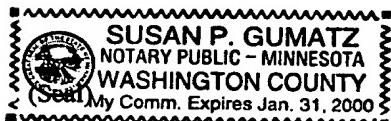
Residence: Carl A. Stover  
 City of St. Paul, County of Ramsey, State of MN  
 Minnesota

Citizenship: United States of America  
 Post Office P.O. Box 33427  
 Address: St. Paul, Minnesota 55133-3427

STATE OF MINNESOTA }  
 ss.

COUNTY OF RAMSEY }

Before me personally appeared Carl A. Stover, to me known to be the person described in the above application for patent, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein as being under oath, on the day and year aforesaid.



*Susan P. Gumat* \_\_\_\_\_  
 Notary Public

